



TEXAS MUNICIPAL LEAGUE

Empowering Texas cities to serve their citizens

President **Karen Hunt**, Mayor, Coppell
Executive Director **Bennett Sandlin**

April 14, 2021

The Honorable Chris Paddie
Chairman, House Committee on State Affairs
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Dear Chairman Paddie,

I am writing on behalf of the Texas Municipal League to express our concerns regarding **H.B. 1656** by **Murphy**. It provides that, to the extent of any conflict, an executive order, proclamation, or regulation issued by the governor in response to a disaster prevails over an order, proclamation, or regulation issued by the presiding officer of the governing body of a political subdivision.

The emergency management and response system in the United States is designed to operate from the bottom up, which means that responses begin at the local level, with the state and federal government stepping in to assist as needed. In Texas, local governments, including cities, have broad emergency management authority, which allows them to rapidly respond to disasters and enact timely localized policies that are targeted to meet the needs of their residents. For decades, cities have been on the front lines of disaster response and recovery efforts. They have ably responded to a myriad of disasters, including hurricanes, storms, tornados, floods, drought, and wildfires, utilizing their local emergency powers. During those times the state has used its emergency powers to support and augment local response efforts.

The response to the COVID-19 pandemic has further illustrated the importance of local emergency management authority. From the onset of the pandemic, local action predated the first large-scale state-wide action. Cities responded by adopting localized policies that met the needs of their communities. For some cities, this meant issuing shelter in place orders or mask orders, and for others, it meant adopting a wait-and-see approach. Nonetheless, each city's response was localized based on the truism that one size does not fit all in Texas. Later on, the governor issued state-wide executive orders that were accompanied by broad preemptions that hindered the ability of local governments to effectively respond to the pandemic in their communities. In this instance, the state used its emergency powers to supersede and replace local responses.

While such preemption has the potential of creating disaster-response uniformity within the state, it significantly limits the ability of local governments to respond to disasters in the expected bottom-up approach. During emergencies, when decisions are literally a matter of life and death,

it is imperative that cities continue to have the flexibility to respond to disasters in a timely manner with innovative and context-specific solutions.

We appreciate your consideration of these comments and please do not hesitate to contact me if I can be of any assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Monty Wynn". The signature is fluid and cursive, with a prominent loop at the end.

Monty Wynn
Director, Grassroots and Legislative Services
Texas Municipal League